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| PRE-APPEAL BRIEF REQUEST FOR REVIEW  |  | Docket Number (Optional) |                   |
|--|--|--------------------------|-------------------|
| <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>October 2, 2006</u></p> <p>Signature <u>Emma L Meyer</u></p> <p>Typed or printed name <u>Emma L. Meyer</u></p>   |  | Application Number       | Filed             |
|  |  | 10/654,859               | September 4, 2003 |
|  |  | First Named Inventor     |                   |
|  |  | Guy Bevente              |                   |
|  |  | Art Unit                 | Examiner          |
|  |  | 3627                     | PURCELL, Ian M.   |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).<br/>Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest.<br/>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br/>(Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.      38,342<br/>Registration number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br/>Registration number if acting under 37 CFR 1.34</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.<br/>Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> |  |                          |                   |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Guy Bevente, et al.

Title: SHARED USAGE TELECOMMUNICATIONS BILLING SYSTEM AND METHOD

App. No.: 10/654,859

Filed: September 4, 2003

Examiner: PURCELL, Ian M.

Group Art Unit: 3627

Customer No.: 60533

Confirmation No.: 4643

Atty. Dkt. No.: 1033-IT1004

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Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REMARKS IN SUPPORT OF  
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed August 11, 2006 (hereinafter, "Final Office Action"), Applicants respectfully request review and reconsideration of the Application in view of the following issues.

**1. Claims 1-38 Are Allowable Over Friedes in View of Plush**

Applicants respectfully traverse the rejection of claims 1-38 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,771,282 ("Friedes") in view of U.S. Patent No. 6,965,764 ("Plush") at page 2 paragraph 4 of the Final Office Action.

Friedes discloses that the "present invention provides a technique for rendering an aggregate bill for calls made from separate telephone stations associated with a single same subscriber." *See Friedes*, col. 4, lines 13-15. Friedes discloses that the charges associated with different services may be aggregated with the telecommunications bill. *See Friedes*, col. 4, lines 58-67. However, the Final Office Action acknowledges that Friedes fails to disclose or suggest shared account information identifying shared telecommunication units used in connection with

a first subscriber service and a second subscriber service, as recited by independent claim 1. *See Final Office Action*, p. 3, paragraph 4. Independent claim 17 recites a telecommunications subscriber service package that includes an allocation of shared account units, where at least a portion of the allocation of shared account units are available for use of a first subscriber service and are available for use of a second subscriber service. Independent claim 33 recites a method of providing a bill to a telecommunications subscriber including receiving a first subscriber service invoice including shared account information, where the shared account information identifies the shared telecommunication minutes used in connection with a first subscriber service and a second subscriber service. Independent claim 34 recites a telecommunications subscriber service package including an allocation of shared account units for use of a second subscriber service and available for use of the first subscriber service. Friedes fails to disclose or suggest at least one element of each of the independent claims.

The Final Office Action asserts that Plush discloses the shared account units. *See Final Office Action*, p. 3, paragraph 4. Plush discloses shared account units for a single subscriber service type, such as a cellular service, which may be shared among multiple handsets (e.g. a group account). *See Plush*, col. 4, lines 10-29. Plush discloses that an account holder may have multiple subscriptions, including group and individual subscriptions in a single account. *See Plush*, col. 4, lines 55-60. However, Plush fails to disclose or suggest shared telecommunication units used in connection with a first subscriber service and a second subscriber service, as recited by claims 1, 17, 33 and 34.

While Plush discloses that an account holder may have multiple subscriptions, including group subscriptions and/or individual subscriptions, in a single account managed by the billing center (*see Plush*, col. 4, lines 55-58), Plush fails to disclose or suggest that the pre-paid bundle of minutes can be shared between a first subscriber service and a second subscriber service.

The Final Office Action states:

Friedes is used to disclose a shared account billing of multiple services on a single account and Plush is used to disclose a shared account that shares usage with different subscribers and an apparatus whereby a usage allocation may be allocated not only as a single subscriber but by groups of subscribers of various sizes.

*Final Office Action*, p. 7 paragraph 6.

While the above-statement is technically correct, the Final Office Action misapplies the teachings of Plush. Plush, like Friedes, discloses shared account billing of multiple services on a single account. *See Plush*, col. 4, lines 55-58. Each distinct subscriber service in Plush may include one or more handsets that can be used by one or more subscribers. *See Plush*, col. 4, lines 10-58. However, the Final Office Action apparently interprets each user (e.g. each handset) of a particular subscriber service to be a distinct subscriber service. This interpretation is inconsistent with the teachings of Plush.

For example, in Table 1, Plush discloses seven distinct subscription types, which may have one or more handsets. The handsets share a pre-determined bundle of minutes. *See Plush*, Table 1, col. 4, lines 10-29. Plush discloses that any number of subscribers (from a single subscriber to a group of 50 or more) may be allocated to a single subscription. *See Plush*, col. 4, lines 30-32. Plush discloses that a bundle of pre-paid call time usage allocation is provided for use during a single month, and that usage is deducted from the pre-paid call time. *See Plush*, col. 4, lines 30-40. Each of the subscribers is associated with a single subscriber service; however, a subscriber is different from a subscriber service, and Plush provides no indication that bundled minutes of a subscriber service may be shared with another subscriber service.

The disclosure of Plush that subscribers of a particular subscriber service (e.g. subscription type 7) may share bundled minutes (e.g. 5000 minutes) associated with that subscriber service (subscription type 7) is not relevant. Plush fails to disclose or suggest that the shared bundle of minutes of one subscription type (e.g. subscription type 1 in Table 1, *Plush*, col. 4, lines 15-25) is used in connection with another subscription type (e.g. subscription type 2). Instead, Plush discloses that the multiple subscriptions may be managed in a single account by the billing center. *See Plush*, col. 4, lines 55-58. The fact that each subscription includes its own allotted bundle of minutes and that an account may include more than one subscriber service does not mean that the minutes are shared between the different subscriber services. Accordingly, the bundled minutes of Plush are not shared between distinct subscriber services, as recited by claim 1.

Furthermore, to interpret Plush as suggested by the Final Office Action, the subscribers and the subscriber services have to be read as being equivalent, which is contrary to the

disclosure of Plush. For example, dependent claim 3 recites that the first subscriber service is a land-line telecommunications service and the second subscriber services is a mobile telecommunications service. Accordingly, a subscriber service is different from a subscriber.

Plush fails to disclose or suggest that minutes may be shared between services within a given account. Accordingly, Plush fails to disclose or suggest shared telecommunication units used in connection with a first subscriber services and a second subscriber service, as recited by claims 1, 17, 33, and 34. Accordingly, the asserted combination of Friedes and Plush is missing an element of each of the independent claims, namely, shared telecommunication units used in connection with a first subscriber services and a second subscriber service. Therefore, the asserted combination of Friedes and Plush fails to disclose or suggest at least one element of each of the independent claims 1, 17, 33, and 34, and of claims 2-16, 18-32, and 35-38, at least by virtue of their dependency from one of the independent claims 1, 17, 33, and 34.

## **2. Claims 8 and 9 Are Allowable over Friedes in View of Plush and Jagadish**

Applicants respectfully traverse the rejection of claims 8 and 9 under 35 U.S.C. §103(a) over the asserted combination of Friedes in view of Plush and further in view of U.S. Patent No. 5,844,972 (“Jagadish”), at page 6 of the Office Action.

As previously discussed, the asserted combination of Friedes and Plush fails to disclose or suggest shared telecommunication units used in connection with a first subscriber services and a second subscriber service, as recited by independent claim 1, from which claims 8 and 9 depend. Claim 8 recites that the shared telecommunication units are used in connection with a third subscriber service. Claim 9 recites that the third subscriber service is a calling card service. Jagadish discloses that calls made by the customer, using a calling card or prepaid card, are billed according to the customer’s calling plan. *See Jagadish*, col. 1, lines 21-36. Jagadish fails to disclose or suggest shared telecommunication units that are used in connection with a first subscriber service and a second subscriber service, as recited by claim 1. Accordingly, Jagadish fails to overcome the deficiency of Friedes and Plush.

Thus, the asserted combination of Friedes, Plush and Jagadish fails to disclose or suggest at least one element of independent claim 1. Therefore, the asserted combination of Friedes,


Plush and Jagadish fails to disclose at least one element of claims 8 and 9, at least by virtue of their dependency from allowable independent claim 1.

### Conclusion

As discussed above, the Final Office Action fails to establish that the cited references and the proposed combinations thereof disclose or suggest the specific combinations of elements recited by the claims. Accordingly, the pending claims are allowable over the cited references. Applicants therefore request reconsideration and withdrawal of all pending rejections.

Respectfully submitted,

9-29-2006  
Date

  
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